



## Board of Adjustment

City of Angleton, Texas  
Meeting Minutes  
Wednesday, April 20, 2016

### MEMBERS, STAFF & GUESTS

Marian Goff - Chairperson  
Tim Charlson - Vice-Chairperson  
Danielle Graham  
Belinda Gaines  
Bonnie Church

Michael Stoldt - City Manager  
Mary Kay Fischer - City Attorney  
Shelly Deisher - City Secretary  
Alyssa Deaton - Assistant City Secretary

Those listed on the registry

### AGENDA

1. Declaration of Quorum and Call to Order at **12:01pm.**

Marian Goff, Chairperson is informed that Melinda Osburn is no longer with the board and Bonnie Church has moved in to the permanent position and is no longer an alternate. The board now has two alternate vacancies.

2. Discussion and Possible Action on approving the minutes from the September 16, 2015 meeting.

**Motion by Vice-Chairperson Tim Charlson to approve the minutes;  
Second by Bonnie Church.**

**Motion carries 5 for; 0 against; 0 absent**

3. Public Hearing on a request for a 3 foot variance to the minimum 80 foot lot width requirement in order to replat Lot One (1), in Block Two (2), of NORTHVIEW SUBDIVISION, SECTION ONE (1) into two lots to construct two duplexes at the southwest corner of Buchta Road and Hospital Drive.

**Motion by Bonnie Church to open the Public Hearing;  
Second by Danielle Graham.**

**Motion carries 5 for; 0 against; 0 absent.**

James Dannhaus, property owner explained that he wants to put two duplexes on the lot and to do so he needs to subdivide the lot into two lots and will need a variance of 3 feet to the second lot width because of the easements and setbacks required on the corner lot.

Michael Stoldt, City Manager, identifies that the hardships Mr. Dannhaus faces are one; because it's a corner lot on one side, he has a very wide setback that takes away from the usable area, and two; on the other side he's got a 10 foot easement that would normally be 5 foot. He also stated that several other people have inquired about the lot, but because of the townhomes back behind it and because of it being a corner lot; people haven't been able to make something work with such tight parameters.

M. E. Willis, property owner within 200 feet asks that Mr. Dannhaus and city staff clarify the rear yard setback and how far away the duplexes will be from his property.

The rear yard setback is 25 feet, but Mr. Dannhaus stated that he will exceed that minimum.

**Motion by Vice-Chairperson Tim Charlson to close the Public Hearing;  
Second by Bonnie Church.**

**Motion carries 5 for; 0 against; 0 absent.**

4. Discussion and Possible Action on a request for a 3 foot variance to the minimum 80 foot lot width requirement in order to replat Lot One (1), in Block Two (2), of NORTHVIEW SUBDIVISION, SECTION ONE (1) into two lots to construct two duplexes at the southwest corner of Buchta Road and Hospital Drive.

No variance shall be granted unless the Board of Adjustment finds:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land;

**All Commissioners were in Agreement.**

- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

**All Commissioners were in Agreement.**

- c. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;

**All Commissioners were in Agreement.**

- d. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of

this chapter; and

**All Commissioners were in Agreement.**

- e. That a finding of undue hardship exists (see subsection below).

**All Commissioners were in Agreement.**

In order to grant a variance, the board of adjustment must make written findings that an undue hardship exists, using the following criteria:

- a) That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property;

**All Commissioners were in Agreement.**

- b) That the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district;

**All Commissioners were in Agreement.**

- c) That the relief sought will not injure the permitted use of adjacent conforming property; and

**All Commissioners were in Agreement.**

- d) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

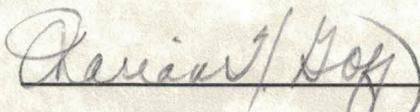
**All Commissioners were in Agreement.**

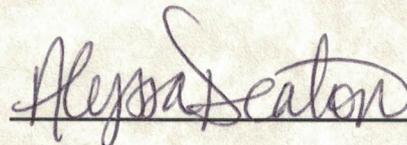
**Motion by Vice-Chairperson Charlson to grant the 3 foot variance to the 80 foot lot width requirement for the property located at the southwest corner of Buchta Rd and Hospital Dr;  
Second by Graham.**

**Motion carries 5 for; 0 against; 0 absent.**

5. Adjourned at 12:20 pm.

**CERTIFICATION**

  
Marian Goff, Chairperson

  
Alyssa Deaton, Asst. City Secretary